

Protecting Your Privacy

FCC Consumer Facts

Background

In today's environment where numerous entities collect and store personal information, consumers are increasingly wary about their privacy. You want – and have the right – to be secure in the knowledge that your personal information is secure. The FCC has several regulatory programs in place to protect your privacy.

Protecting You From Unwanted Telephone Calls and Faxes

The FCC has safeguards to help limit the number and type of uninvited calls coming into your home. The Telephone Consumer Protection Act (TCPA) restricts unsolicited telemarketing calls to your home and unsolicited commercial faxes coming to your home or business.

Under the TCPA, the FCC, along with the Federal Trade Commission (FTC), established the National Do-Not-Call Registry. Placing your home or personal wireless number on the registry prohibits telemarketers from calling, unless they have an established business relationship with you, you have given them permission to call, or they are exempt from the rules. To register a number, go to www.donotcall.gov. Registration is effective for five years, and numbers may be re-registered when the initial registration expires.

The TCPA and FCC rules also severely limit the use of autodialers and pre-recorded messages.

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Protecting You From Unwanted Telephone Calls and Faxes (cont'd.)

The Communications Act prohibits commercial advertising faxes from being sent to you, unless you have an established business relationship with the fax sender or have given your prior express permission. This Act also requires senders of fax advertisements to include a notice and contact information on the first page of the fax, telling you how to “opt-out” of any future fax advertisements.

While the FCC does not directly resolve individual complaints of this type, and cannot award monetary or other damages to consumers, consumers should still report violations of the telemarketing rules. Some states allow you to file suits against telemarketers and faxers and be awarded money damages for violations of these rules.

To find out more about FCC rules protecting you from unwanted calls and faxes, visit <http://www.fcc.gov/cgb/consumerfacts/tcpa.html> and <http://www.fcc.gov/cgb/consumerfacts/unwantedfaxes.html>.

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Protecting Your Caller ID Privacy

The FCC's caller ID rules require telephone companies to make available, at no cost to you, simple and uniform per-line blocking and unblocking processes that prevent your telephone number from being transmitted to parties you call that subscribe to caller ID service. These processes give you the choice of showing or blocking your telephone number for any interstate (between states) calls you make.

FCC rules require telemarketers to display on caller ID either their phone numbers and, if possible, their names, or the phone number and, if possible, the name of the company for which they are selling products. The display must include a phone number that you can call during regular business hours to ask that the company no longer call you. This rule also applies to companies that have an established business relationship with you.

To find out more about the FCC's caller ID rules, visit
<http://www.fcc.gov/cgb/consumerfacts/callerid.html>.

Protecting You From Unwanted Text Messages on Your Wireless Devices

In 2003, Congress passed the "Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act. The Act allowed the FCC to develop rules banning the sending of unwanted commercial messages to wireless devices without your express prior authorization. The FTC enforces rules controlling most unwanted commercial e-mails sent to computers.

The FCC ban covers messages sent to wireless phones and pagers, if the message uses an Internet address that includes an Internet domain name (usually the part of the address after the individual or electronic mailbox name and the "@" symbol). The ban does not cover "transactional or relationship" messages about an existing account or purchased product.

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Protecting You From Unwanted Text Messages on Your Wireless Devices (cont'd.)

It also does not cover "short messages," generally sent from one mobile phone to another, that do not use an Internet address, although the TCPA may ban such messages if your personal wireless number is on the Do-Not-Call Registry. The ban also does not cover e-mail messages forwarded from your computer to your wireless device.

To enforce this ban, the FCC required wireless service providers to submit all Internet domain names used to transmit electronic messages to wireless devices. To see this list, visit
www.fcc.gov/cgb/policy/DomainNameDownload.html. Senders of commercial messages must avoid sending them to domain names on the list without the consumer's authorization.

To find out more about the FCC's rules on wireless spam and for tips on reducing unwanted commercial messages, visit
<http://www.fcc.gov/cgb/consumerfacts/canspam.html>.

Protecting the Privacy of Your Telephone Calling Records

Local, long distance and wireless phone companies collect customer information, like the numbers you call, when you call them, and the different services you use, like call forwarding or voice mail. This information is often referred to as Customer Proprietary Network Information (CPNI). Telephone companies may only use, disclose, or permit access to your customer information in the following circumstances: 1) as required by law; 2) with your approval; or 3) in providing the service from which the customer information was obtained. Your telephone company may use your customer information, without your approval, to market enhancements to services you already use. If you ask your telephone company to put your residential telephone number on its company-specific do-not-call list, it must stop making telemarketing calls even for this limited purpose. If your telephone company uses your customer information for other

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Protecting the Privacy of Your Telephone Records (cont'd.)

marketing, it must obtain your approval to do so. Telephone companies must keep accurate records of your approvals, and all instances where your customer information was disclosed or provided to third parties. The FCC recently opened a rulemaking proceeding to determine whether additional restrictions may be necessary to protect the confidentiality of customer information.

To find out more about FCC rules protecting your customer information, visit <http://www.fcc.gov/cgb/consumerfacts/phoneaboutyou.html>.

Cable Subscriber Privacy

If you subscribe to cable television service, your cable provider collects information necessary to provide and bill you for its services, such as your address, the services you subscribe to, and any pay-per-view transactions. Your cable provider is required to notify you when you begin service, and at least once every year after you begin service, about any such "personally identifiable" information that it will collect. Your provider must tell you the scope, frequency, and purpose of the information collected, how long it will be kept, when and where you may have access to it, and any limitations placed on the provider regarding collection and disclosure of the information, as well as your rights to enforce these limitations. Your provider must also give you reasonable opportunities to correct any errors in the information. Finally, your provider may not disclose any of this information without your written permission. If you are damaged by your cable provider's violation of any of these requirements, you may sue your cable provider in federal court.

The Privacy Act

Sometimes, under the Freedom of Information Act (FOIA), the FCC provides information on specific complaints filed by consumers. Personal identifying information, such as your name, address, e-mail address, and telephone number is deleted from complaints released under FOIA to parties outside the FCC.

In addition, in processing a complaint, the FCC may forward the complete complaint with personal identifying information to your telecommunications provider for a response. You may be contacted directly by the FCC or the provider regarding your complaint.

To protect your privacy, you should not include personal information, such as your social security number, credit card numbers, pre-paid calling card numbers, bank or checking account numbers, etc. with your complaint.

Filing a Complaint

If you've received an unwanted telephone call, fax, or text message on your wireless device, or if you think your personal information has been disclosed without your permission, you may file a complaint with the FCC by e-mail (fccinfo@fcc.gov); the Internet (www.fcc.gov/cgb/complaints.html); telephone 1-888-CALL-FCC (1-888-225-5322) voice; or 1-888-TELL-FCC (1-888-835-5322) TTY; or mail:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on <http://www.fcc.gov/cgb/contacts/>.

This fact sheet is for consumer education purposes only and is not intended to affect any proceeding or cases involving this subject matter or related issues.

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